HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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Writ Petition No.15203 of 2005

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Date: 30th January, 2006

Between:

Dasari Laxman Kumar S/o. late Dasari narayana Das,

R/o.H.No.8-1-79, Indira Market Road, Bhadrachalam,

Khammam District.

..... PETITIONER

AND

1.Assistant Director of Survey and Land Records,

Khammam and others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.15203 of 2005

ORDER:

This writ petition has been filed by Dasari Laxman Kumar with a prayer to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the action of the Assistant Director of Survey and Land Records,Khammam-1st respondent; Mandal Revenue Officer, Bhadrachalam Mandal, Khammam District-2nd respondent; Sub-Inspector of Police, Town Police Station, Bhadrachalam, Khammam District-3rd respondent at the instance of Sree Ramoji Mohan Rao-4th respondent and Sree Ramulu Prasad-5th respondent in interfering with his

possession and enjoyment over an extent of Ac.0.23 cents of land along with two shop rooms, shed and hut situated at S.No.20/4 and 5 of Bhadrachalam Village and Mandal, Khammam District as illegal and arbitrary.

2. The petitioner claims that he is the owner and possessor of the land admeasuring Ac.0.23 cents along with two shop rooms, shed and hut comprising Survey No.20/4 and 5 of Bhadrachalam village and Mandal, Khammam District, having got the same under a registered Will dated 19.06.1994 executed by his father. His grievance is that the respondents 1 to 3 at the instance of respondents 4 and 5 are trying to interfere with his possession and enjoyment over the property in question.

3. The respondents 2 and 4 filed separate counter affidavits. 5th respondent died and no steps have been taken by the petitioner to bring on record the Legal Representatives of the 5th respondent.

4. It is stated in the counter affidavit filed by the 2nd respondent that whatever land held by Smt.Dasari Mahalakshmi through whom the petitioner traces title to the property has been acquired by the Government and compensation has been paid to her.

5. Heard learned counsel appearing for the petitioner, learned Government Pleader for Revenue appearing for the respondents 1 and 2 and learned counsel appearing for the 4th respondent.

6. Learned counsel appearing for the petitioner submits that the petitioner is the owner and possessor of Ac.0.23 cents of land comprising Survey No.20/4 and 5 of Bhadrachalam Village and Mandal having got the same under a registered Will dated 19.06.1994 executed by his father and therefore, the respondents 1 to 3 have no right to interfere with his possession and enjoyment over the property in question at the instance of the respondents 4 and 5.

7. Learned Government Pleader for Revenue appearing for the respondents 1 and 2

submits that the grand mother of the petitioner owns Ac.3.00 of land and the entire extent has been acquired and compensation has been paid to his grandmother-Smt.Dasari Mahalakshmi and there is no part of the land belonging to said Smt.Dasari Mahalakshmi has been left over in S.No.20 as claimed by the petitioner.

8. It has come on record that the petitioner has filed O.S.No.169 of 2000 on the file of the Special Assistant Agent, Mobile Court, at Bhadrachalam, against 1) M. Balaramakrishnam Raju; 2) C.Pattabhi Ramaiah; and 3) V.V.S. Chowdary @ Nanaji seeking perpetual injunction in respect of Ac.0.23 cents of land and the same is pending trial. Since the petitioner has already invoked the jurisdiction of competent Court seeking necessary relief, he is at liberty to implead the respondents 1 to 3 or any other party as he desirous as party respondents in the said suit.

9. Accordingly, the writ petition is disposed of giving liberty to the petitioner to take necessary steps to implead the respondents 1 to 3 or any other party, if he is so advised, as party respondents in the suit-O.S.No.169 of 2000 on the file of the Special Assistant Agent, Mobile Court at Bhadrachalam. No costs.

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B.SESHASAYANA REDDY, J.

Date: 30th January, 2006.

Note:

Issue C.C. in three days.

B/O

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